

Stephen E. Carroll, #116333  
McCormick, Barstow, Sheppard, Wayte & Carruth LLP  
5 River Park Place East  
Fresno, CA 93720-1501  
Telephone: (559) 433-1300  
Facsimile: (559) 433-2300

(SPACE BELOW FOR FILING STAMP ONLY)

Mark E. Kogan, #10186  
Christopher N. Jones, #81757  
Kogan, Trichon, & Wertheimer, P.C.  
1818 Market St., 30<sup>th</sup> Floor  
Philadelphia, PA 19103  
Telephone: (215) 575-7600  
Facsimile: (215) 575-7688

Attorneys for Defendants

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION

FLAGSHIP WEST, LLC, a California  
limited liability company, MARVIN G.  
REICHE, and KATHLEEN REICHE,

Plaintiffs,

v.

EXCEL REALTY PARTNERS, L.P., a  
Delaware limited partnership, NEW PLAN  
EXCEL REALTY TRUST, INC., a  
Maryland corporation, et al,

Defendants.

Case No. 1:02-CV-05200 OWW DLB

**ORDER ON EX PARTE MOTION FOR  
ENLARGEMENT OF TIME (FED. R. CIV.  
P. 6(b).)**

On December 21, 2006, EXCEL REALTY PARTNERS, L.P., ("EXCEL") moved this Court ex parte, pursuant to Rule 6(b) of the Federal Rules of Civil Procedure for an enlargement of the time in which to serve and file its pleadings in support of its post-trial motions pursuant to Federal Rules of Civil Procedure, Rule 59. Said motion was made within the time prescribed for the service and filing of the pleadings in support of post-trial motions pursuant to Rule 59 of the Federal Rules of Civil Procedure and good cause was shown for the enlargement of time.

Therefore, IT IS ORDERED that:

1. The Motion is granted; and

2. EXCEL shall have until January 15, 2007(OWW), within which to serve and file its pleadings in support of any post-trial motions filed by EXCEL pursuant to Rule 59 of the Federal Rules of Civil Procedure, including but not limited to citations to the record, supporting affidavits and supporting briefs. **NO FURTHER EXTENSIONS WILL BE GRANTED (OWW)**

Dated: 12/21/06

/s/ Oliver W. Wanger

HON. OLIVER W. WANGER

1043590.v1